

4-24-1. Short title.

This chapter shall be known and may be cited as the "Utah Livestock Brand and Anti-theft Act."

Enacted by Chapter 2, 1979 General Session

4-24-2. Definitions.

As used in this chapter:

(1) "Brand" means any identifiable mark applied to livestock which is intended to show ownership.

(2) "Carcass" means any part of the body of an animal, including hides, entrails, and edible meats.

(3) "Domesticated elk" shall have the meaning as defined in Section 4-39-102.

(4) "Hide" means any skins or wool removed from livestock.

(5) "Livestock" means cattle, calves, horses, mules, sheep, goats, hogs, or domesticated elk.

(6) (a) "Livestock market" means a public market place consisting of pens or other enclosures where cattle, calves, horses, or mules are received on consignment and kept for subsequent sale, either through public auction or private sale.

(b) "Livestock market" does not mean:

(i) a place used solely for liquidation of livestock by a farmer, dairyman, livestock breeder, or feeder who is going out of business; or

(ii) a place where an association of livestock breeders under its own management, offers registered livestock or breeding sires for sale and assumes all responsibility for the sale, guarantees title to the livestock or sires sold, and arranges with the department for brand inspection of all animals sold.

(7) "Mark" means any dulap, waddle, or cutting and shaping of the ears or brisket area of livestock which is intended to show ownership.

(8) "Slaughterhouse" means any building, plant, or establishment where animals are killed, dressed, or processed and their meat or meat products offered for sale for human consumption.

Amended by Chapter 378, 2010 General Session

4-24-3. Department authorized to make and enforce rules.

The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce such rules as in its judgment are necessary to administer and enforce this chapter.

Amended by Chapter 382, 2008 General Session

4-24-4. Livestock Brand Board created -- Composition -- Terms -- Removal -- Quorum for transaction of business -- Compensation -- Duties.

(1) There is created the Livestock Brand Board consisting of seven members appointed by the governor as follows:

(a) four cattle ranchers recommended by the Utah Cattlemen's Association, one

of whom shall be a feeder operator;

(b) one dairyman recommended by the Utah Dairywomen's Association;

(c) one livestock market operator recommended jointly by the Utah Cattlemen's Association and the Utah Dairywomen's Association and the Livestock Market Association; and

(d) one horse breeder recommended by the Utah Horse Council.

(2) If a nominee is rejected by the governor, the recommending association shall submit another nominee.

(3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(4) (a) A member may, at the discretion of the governor, be removed at the request of the association that recommended the appointment.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(5) One member elected by the board shall serve as chair for a term of one year and be responsible for the call and conduct of meetings of the Livestock Brand Board. Attendance of a simple majority of the members at a duly called meeting shall constitute a quorum for the transaction of official business.

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) The Livestock Brand Board with the cooperation of the department shall direct the procedures and policies to be followed in administering and enforcing this chapter.

Amended by Chapter 286, 2010 General Session

Amended by Chapter 324, 2010 General Session

4-24-5. Central Brand and Mark Registry -- Division of state into mark districts -- Identical or confusingly similar brands -- Publication of registered brands and marks.

(1) The department shall maintain a central Brand and Mark Registry which shall list each brand or mark recorded in this state. For each brand or mark registered the list shall specify:

(a) the name and address of the registrant;

(b) a facsimile of the brand recorded or a diagram showing the kind of mark recorded;

(c) the location of the brand or mark upon the animal; and

(d) the date the brand or mark is filed in the registry.

(2) The commissioner may divide the state into districts for the purpose of recording marks but no mark which in the opinion of the commissioner is identical or confusingly similar to a mark previously recorded in a district shall be recorded.

(3) No brand which in the opinion of the commissioner is identical or confusingly similar to a brand previously filed in the central brand and mark registry shall be recorded. If it appears that two or more identical or confusingly similar brands or marks have been recorded, the brand or mark first recorded shall prevail over a later conflicting brand or mark; in which event, the later brand or mark shall be cancelled and all recording fees refunded to the owner.

(4) The commissioner shall publish from time to time a list of all brands and marks recorded in the central Brand and Mark Registry and may issue supplements to such publication containing additional brands and marks or changes in ownership of brands and marks recorded after the last publication. The brand book shall contain a facsimile of all brands and marks recorded together with the owner's name and address. The commissioner shall send one copy of the brand book and each supplement to each brand inspector, county clerk, county sheriff, livestock organization, and any other person deemed appropriate. Brand books and supplements shall be available to the public at the cost of printing and distribution per book or supplement.

Enacted by Chapter 2, 1979 General Session

4-24-6. State may be divided into brand inspection districts -- Description filed with county clerk and sheriff.

The commissioner, to facilitate and improve brand inspection, may divide the state into brand inspection districts. A description covering each district shall be filed by the department with each county clerk and county sheriff in the state. District boundaries may be changed as considered necessary by the commissioner, with the approval of the Livestock Brand Board. Brand inspection stations within brand inspection districts may be located and established by the commissioner to assist in the enforcement of this chapter.

Amended by Chapter 42, 1988 General Session

4-24-7. Recordation of brand or mark.

(1) Application for a recorded brand or mark shall be made to the department upon forms prescribed and furnished by it. The application shall contain such information as the commissioner prescribes. No application shall be approved without payment of the appropriate recording fee. Upon receipt of a proper application, payment of the recording fee, and recordation of the brand or mark in the central Brand or Mark Registry of the department, the commissioner shall issue the applicant a certified copy of recording which entitles the applicant to the exclusive use of the brand or mark recorded.

(2) Each recorded brand or mark filed with the central Brand and Mark Registry shall expire during the calendar year 1980, and during each fifth year thereafter. The department shall give notice in writing to all persons who are owners of recorded

brands and marks within a reasonable time prior to the date of expiration of recordation. Brand or mark renewal is effected by filing an appropriate application with the department together with payment of the renewal fee. A recorded brand or mark, not timely renewed, shall lapse and be removed from the central Brand and Mark Registry.

Enacted by Chapter 2, 1979 General Session

4-24-8. Fees for recordation, transfer, renewal, and certified copies of brands and marks.

The department, with the approval of the Livestock Brand Board, shall charge and collect fees for the recordation, transfer, and renewal of any brand or mark in each position, and may charge a fee for a certified copy of the recordation. The fees shall be determined by the department pursuant to Subsection 4-2-2(2).

Amended by Chapter 130, 1985 General Session

4-24-9. Effect of recorded brand or mark -- Transfer -- Reservation of certain brands.

The owner of a recorded brand or mark has a vested property right in it which is transferable by a duly acknowledged instrument; provided, that a transferee has no rights in the brand or mark until the instrument of transfer is recorded with the department. No person however, other than a member of the Ute Indian Tribe has any vested property right in the brand "ID" which is reserved exclusively for use by members of the Ute Indian Tribe on the Uintah and Ouray Reservation and no person other than a member of the Navajo Indian Tribe has any vested right in the brand "- N" (Bar N) which is reserved exclusively for use by members of the Navajo Indian Tribe on the Navajo Indian Reservation so long as it appears on the left shoulder of the animal branded. The left jaw of cattle is reserved exclusively for use by the department to identify diseased cattle.

Amended by Chapter 4, 1983 General Session

4-24-10. Livestock on open range or outside enclosure to be marked or branded -- Cattle upon transfer of ownership to be marked or branded -- Exceptions.

(1) (a) Except as provided in Subsections (1)(b) and (c), no livestock shall forage upon an open range in this state or outside an enclosure unless they bear a brand or mark recorded in accordance with this chapter.

(b) Swine, goats, and unweaned calves or colts are not required to bear a brand or mark to forage upon open range or outside an enclosure.

(c) Domesticated elk may not forage upon open range or outside an enclosure under any circumstances as provided in Chapter 39, Domesticated Elk Act.

(2) (a) Except as provided in Subsection (2)(b), all cattle, upon sale or other transfer of ownership, shall be branded or marked with the recorded brand or mark of the new owner within 30 days after transfer of ownership.

(b) No branding or marking, upon change of ownership, is required within the

30-day period for:

- (i) unweaned calves;
- (ii) registered or certified cattle;
- (iii) youth project calves, if the number transferred is less than five; or
- (iv) dairy cattle held on farms.

Amended by Chapter 324, 2010 General Session

4-24-11. Certificate of brand inspection necessary to effectuate change of ownership -- Exception.

(1) Except as provided in Subsection (2), the ownership of cattle, horses, domesticated elk, or mules may not be transferred to any other person, through sale or otherwise, without a certificate of brand inspection issued by a department brand inspector.

(2) (a) A brand inspection is not required to transfer ownership of dairy calves from the farm of origin under 60 days of age.

(b) Any person who transports dairy calves that have not been brand inspected pursuant to Subsection (2)(a) shall be required to show a sales invoice upon request.

Amended by Chapter 302, 1997 General Session

4-24-12. Livestock -- Verification of ownership through brand inspection -- Issuance of certificate of brand inspection -- Brand inspector may demand evidence of ownership -- Brand inspection of livestock seized by the federal government prohibited -- Exception.

(1) A brand inspector, as an agent of the department, shall verify livestock ownership by conducting a brand inspection during daylight hours.

(2) After conducting the brand inspection, the brand inspector, if satisfied that the livestock subject to inspection bears registered brands or marks owned by the owner of the livestock, shall issue a brand inspection certificate to the owner or owner's agent.

(3) The brand inspector shall record the number, sex, breed, and brand or mark on each animal inspected together with the owner's name.

(4) If any livestock subject to inspection bears a brand or mark other than that of the owner or, if no brand or mark appears on such livestock, the brand inspector may demand evidence of ownership such as a bill of sale or other evidence of ownership before issuing a brand inspection certificate.

(5) A brand inspector may not issue a brand inspection certificate for any privately owned livestock seized by the federal government unless:

- (a) the brand inspector receives consent from the livestock's owner;
- (b) the owner is unknown; or
- (c) the brand inspector receives a copy of a court order authorizing the seizure.

Amended by Chapter 378, 2010 General Session

4-24-13. Brand inspection required prior to slaughter -- Exceptions.

(1) Except as provided in Subsection (2), a brand inspection is required before any cattle, calves, horses, domesticated elk, or mules are slaughtered.

(2) A person may slaughter cattle, calves, horses, or mules for that person's own use without a brand inspection if the requirements of Subsection 4-32-4(2) are met.

Amended by Chapter 302, 1997 General Session

4-24-14. Transportation by air or rail -- Brand inspection required -- Application for brand inspection -- Time and place of inspection.

(1) Except as provided in Subsection (2), no person may offer, or railroad or airline company accept, any cattle, calves, horses, domesticated elk, or mules for transport until they have been brand inspected.

(2) Before cattle, calves, horses, domesticated elk, or mules are transported by rail or air, the shipper shall:

(a) request the department to inspect the brands and marks of the animals being transported; and

(b) specify the time and place where the animals may be inspected.

(3) Cattle, calves, horses, domesticated elk, or mules transported by rail or air shall be brand inspected:

(a) at a stockyard or at the initial point of shipment; or

(b) if approved by the department, at a point or station along the transportation route.

(4) The department shall conduct the inspection at the time and place specified by the shipper or at any other time and place as determined by the department.

Amended by Chapter 302, 1997 General Session

4-24-15. Movement across state line -- Brand inspection required -- Exception -- Application for brand inspection -- Time and place of inspection.

(1) Except as provided in Subsection (2), a person may not drive or transport any cattle, calves, horses, domesticated elk, or mules from any place within this state to a place outside this state until they have been brand inspected.

(2) Subsection (1) does not apply if the animals specified in Subsection (1) customarily forage on an open range which transgresses the Utah state line and that of an adjoining state.

(3) The owner or person responsible for driving or transporting the animals shall:

(a) request the department to inspect the brands and marks of the animals to be moved; and

(b) specify the time and place where the animals may be inspected.

(4) The department shall conduct the inspection at the time and place specified by the owner or responsible person or at any other time and place as determined by the department.

Amended by Chapter 302, 1997 General Session

4-24-16. Transportation of cattle and calves between brand inspection

districts -- Brand inspection required -- Exception -- No fee for reinspection -- Application for brand inspection -- Time and place of inspection -- Applicability to horses and mules.

(1) A person may not transport any cattle or calves from a point within a brand inspection district to a point outside the district, except as provided in Subsection (2), until the cattle or calves have been brand inspected, unless the department approves their transport subject to brand inspection at some point designated along the transport route. A brand inspection fee is not required to be paid upon reinspection of cattle or calves being transported between districts from a summer or winter range or pasture if the cattle or calves were brand inspected in the district of origin. Before transport from one district to another, the owner or person responsible for the transport shall apply to the department to inspect the brands and marks of the animals to be moved. The application shall state the time and place where the animals may be inspected. Upon receipt of an application for brand inspection, the department shall conduct the inspection at the time and place specified in the application or at such other time and place as the department approves.

(2) Cattle or calves may be transported between brand inspection districts without brand inspection if they are destined for a livestock market in this state.

(3) Horses and mules may move within the state without a brand inspection, but a brand inspection is required on a change of ownership or to leave this state.

Amended by Chapter 139, 1988 General Session

4-24-17. Transportation of sheep, cattle, domesticated elk, horses, or mules -- Brand certificate or other evidence of ownership required -- Transit permit -- Contents.

(1) No person may transport any sheep, cattle, horses, domesticated elk, or mules without having an official state brand certificate or other proof of ownership in his possession.

(2) Each person transporting livestock for another person shall have a transit permit signed by the owner or the owner's authorized agent specifying the:

- (a) name of the person driving the vehicle;
- (b) date of transportation;
- (c) place of origin or loading;
- (d) destination;
- (e) date of issuance; and
- (f) number of animals being transported.

Amended by Chapter 302, 1997 General Session

4-24-18. Hides and pelts -- Bill of sale to accompany purchase -- Purchaser to maintain records -- Hides and records examination and inspection.

(1) Any person who buys a hide or pelt shall secure a bill of sale from the seller. The bill of sale shall be executed in duplicate; one copy being retained by the seller and the other by the buyer. The bill of sale shall specify the number of hides or pelts sold and the brand or mark borne by each hide and pelt.

(2) Each hide buyer within this state shall maintain a record specifying the name and address of the seller, date of purchase, and the brands or other identification found on the hides and pelts purchased. The hides and records of any hide buyer are subject to examination and inspection by the department at reasonable times and places.

Enacted by Chapter 2, 1979 General Session

4-24-19. Livestock markets -- Records to be maintained -- Retention of records -- Schedule of fees and charges to be posted.

- (1) Each owner or operator of a livestock market shall keep a record of:
 - (a) the date each consignment of livestock is received for sale together with the number of each type of livestock within such consignment;
 - (b) the name and address of each buyer;
 - (c) the date of sale and the number and species of livestock purchased by each buyer; and
 - (d) the brand or mark appearing on each animal at the time of sale to the buyer.
- (2) The records mandated by this section shall be retained for a period of two years from the date on which the livestock market sold the livestock.
- (3) A schedule of all fees and commission rates charged by the livestock market shall be posted in a conspicuous place on the premises of each market.
- (4) A statement of the gross sales price, commission, and other fees charged for the sale of each consignment shall be available for inspection by the department, and a copy furnished the owner or consignor of the livestock.

Enacted by Chapter 2, 1979 General Session

4-24-20. Livestock sold at market to be brand inspected -- Proceeds of sale may be withheld -- Distribution of withheld proceeds -- Effect of receipt of proceeds by department -- Deposit of proceeds -- Use of proceeds if ownership not established.

- (1) Livestock may not be sold at any livestock market until after they have been brand inspected by the department. Title to purchased livestock shall be furnished to the buyer by the livestock market.
- (2) Upon notice from the department that a question exists concerning the ownership of consigned livestock, the operator of the livestock market or meat packing plant shall withhold the proceeds from the sale of the livestock for 60 days to allow the consignor of the questioned livestock to establish ownership. If the owner or consignor fails within 60 days to establish ownership to the satisfaction of the department, the proceeds of the sale shall be transmitted to the department. Receipt of the proceeds by the department shall relieve the livestock market or meat packing plant from further responsibility for the proceeds.
- (3) Proceeds withheld under Subsection (2) shall be deposited in the Utah Livestock Brand and Anti-Theft Account created in Section 4-24-24. If ownership is not satisfactorily established within one year, the department shall use the proceeds for animal identification.

Amended by Chapter 378, 2010 General Session

4-24-21. Brand inspection fees.

The department with the approval of the Livestock Brand Board may set and collect a fee for the issuance of any certificate of brand inspection. Brand inspection fees incurred for the inspection of such animals at a livestock market may be withheld by the market and paid from the proceeds derived from their sale. The fee shall be determined by the department pursuant to Subsection 4-2-2(2).

Amended by Chapter 130, 1985 General Session

4-24-22. Travel permit in lieu of brand inspection certificate -- Fees -- Permit to accompany animal.

The department may issue a permit upon the payment of a fee determined by the department pursuant to Subsection 4-2-2(2), in lieu of a certificate of brand inspection, for the transport of any show horse, show mule, or show cattle within or outside the state. The words "travel permit" shall be stamped or printed on the permit. A permit shall accompany each show animal while it is in transit and shall identify the animal to which it applies by age, sex, color, brand, mark, and scars. A travel permit is valid for the calendar year of the date of issuance, which date shall appear on the permit.

Amended by Chapter 130, 1985 General Session

4-24-23. Lifetime permit in lieu of brand inspection certificate -- Fees -- Permit to accompany animal -- Transfer.

The department may issue a "lifetime" permit upon the payment of a fee determined by the department pursuant to Subsection 4-2-2(2), in lieu of a certificate of brand inspection, for the transport of any horse or mule within or outside the state. The words "lifetime travel permit" shall be stamped or printed on the permit. The permit shall accompany each horse or mule while it is in transit and shall identify the animal to which it applies by age, sex, color, brand, and scars. A lifetime transportation permit is valid for as long as the horse or mule to which it applies continues to be owned by the person to whom the permit is issued. A lifetime permit is transferable upon the transfer of ownership of such an animal, upon application for transfer and the payment of a permit transfer fee to the department in an amount determined by the department pursuant to Subsection 4-2-2(2).

Amended by Chapter 130, 1985 General Session

4-24-24. Utah Livestock Brand and Anti-Theft Account created -- Deposit of fees -- Purpose of expenditures.

(1) There is created within the General Fund a restricted account known as the Utah Livestock Brand and Anti-Theft Account.

(2) The following money shall be deposited into the Utah Livestock Brand and Anti-Theft Account:

- (a) money received by the department under any provision of this chapter; and
- (b) money received by the department under any provision of Title 4, Chapter 39, Domesticated Elk Act.
- (3) Money in the Utah Livestock Brand and Anti-Theft Account shall be used for the administration of this chapter and of Title 4, Chapter 39, Domesticated Elk Act.

Amended by Chapter 302, 1997 General Session

4-24-25. Unlawful acts specified -- Allegation concerning evidence of ownership relative to hides.

- (1) It is unlawful for any person to:
 - (a) permit any cattle, calves, horses, mules, or sheep, except unweaned calves or colts, that are not branded or marked in accordance with this chapter, to forage upon an open range in this state or outside an enclosure;
 - (b) brand or mark any livestock with a brand or mark which is not a matter of record on the central brand and mark registry;
 - (c) obliterate, change, or remove a recorded brand or mark; or
 - (d) destroy, mutilate, or conceal any hide with intent to, or for the purpose of, removing evidence of ownership of the hide, or ownership of the animal from which the hide was removed.
- (2) In any prosecution for violation of this section, the state need not allege the ownership of the hide, or the animal or carcass from which the hide was removed; the complaint or information being sufficient if it alleges that ownership is unknown and that the hide is not the property of the defendant.

Enacted by Chapter 2, 1979 General Session

4-24-26. Use of vehicle to transport stolen livestock prohibited -- Vehicle subject to seizure and sale -- Procedure for sale -- Defense.

No person shall use any vehicle for the transportation of stolen livestock or carcasses. Any vehicle used in transporting stolen livestock or carcasses is subject to seizure and public sale by the sheriff of the county where it is found.

No sale shall be made, however, until written notice of the proposed sale is served upon the person in whose custody the vehicle is found. Such person has 10 days after service of the notice of proposed sale to respond to the notice, in which event, no sale shall be conducted until after the issue of ownership or any other issues are litigated in a court of competent jurisdiction. A stolen vehicle used for unlawful transportation is not subject to seizure and sale if the owner of the vehicle is not acting in concert with the thief.

Enacted by Chapter 2, 1979 General Session

4-24-28. Enforcement -- Brand inspector's powers delineated.

- (1) A brand inspector is empowered with the authority of a special function officer for the purpose of enforcing this chapter and such an inspector may, if deemed proper, stop any vehicle carrying livestock or livestock carcasses for the purpose of

examining brands, marks, certificates of brand inspection, and bills of lading or bills of sale relating to the livestock in transit.

(2) Brand inspectors may enter any premises where livestock are kept or maintained for the purpose of examining brands or marks. If admittance is refused, the department may proceed immediately to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for the purpose of examining brands or marks or other evidence of ownership.

Amended by Chapter 10, 1986 Special Session 2

4-24-29. Commissioner authorized to cooperate with local governments, other states, or federal government in enforcement.

The commissioner is empowered with authority, if deemed necessary, to cooperate or enter into cooperative agreements with authorities in any city, town, or county within the state, or with federal authorities, or with authorities in another state for the purpose of securing assistance in the administration and enforcement of this chapter.

Enacted by Chapter 2, 1979 General Session

4-24-30. Commission to appoint supervisor for brand inspection -- Appointment subject to approval -- Salary.

The commissioner shall appoint a state supervisor for livestock brand inspection, but such appointment is subject to the approval of the Livestock Brand Board. The salary or compensation of the supervisor shall be fixed in accordance with standards adopted by the Division of Finance.

Amended by Chapter 20, 1995 General Session